

OGC-88-50834
15 March 1988

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MEMORANDUM FOR:

[REDACTED]
Policy & Planning Staff/Office of Security

THROUGH:

Chief/Management Support Division

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FROM:

[REDACTED]
Management Support Division/OGC

SUBJECT:

Letter to Federal Aviation Administration

1. Per your request, we have reviewed the letter to the Federal Aviation Administration stating the Agency's policy on carrying firearms aboard aircraft and suggest that the following changes be made.

2. In order to correctly cite the grant of authority for CIA personnel to carry firearms, we suggest that the first indented paragraph on page one read as follows:

"The primary authority permitting personnel of the Central Intelligence Agency to carry firearms remains basically unchanged since my predecessor's letter of 28 December 1981. That authority, as amended, is contained in subsection (d) of section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(d)), as enacted in Public Law 97-89 dated 4 December 1981."

3. We recommend that the second full paragraph on page two be changed as follows to ensure that the letter is limited to the issue of when our personnel may carry firearms aboard an aircraft and does not address the circumstances under which such weapons may be used:

"Internal CIA Office of Security regulations implementing the authority noted above specify that the carrying of firearms within the United States may be authorized only by the Director of Security in connection with the following official purposes:

(a)..." (the rest of the paragraph should remain as is).

4. If you have any questions in this regard, please do not hesitate to call me on

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[REDACTED]



Washington, D.C. 20505

Mr. Raymond A. Salazar
Director of Civil Aviation Security
Federal Aviation Administration
Department of Transportation
800 Independence Avenue, S.W.
Washington, D.C. 20591

Dear Mr. Salazar:

In response to your letter requesting current Central Intelligence Agency policy of carrying firearms on aircraft, the following authority and statutes apply:

The primary authority permitting personnel of the Central Intelligence Agency to carry firearms remains basically unchanged since my predecessor's letter of 28 December 1981. That authority, as amended, is contained in Section 502, Subsection (d) of section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f[d]), promulgated in Public Law 97-89 dated 4 December 1981.

The provisions of this Act "authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, except that, within the United States, such authority shall be limited to the purposes of protection of classified materials and information, the training of Agency personnel and other authorized persons in the use of firearms, the protection of Agency installations and property, and the protection of Agency personnel and of defectors, their families, and other persons in the United States under Agency auspices."

The above Act was passed by Congress to further clarify the CIA's authority to provide employees with firearms when necessary to protect CIA personnel, as well as classified information and materials. The legislative history of this statute reflects that Congress expressly recognized the importance of many CIA functions, including physical protection of its personnel, and the occasional need for measures such as the carrying of firearms to meet those responsibilities. Similar recognition of the importance of the protection function, and of the increased threat of terrorist actions against CIA personnel, was reflected in the passage of section 15 of the CIA Act, 50 U.S.C. 403o, which authorized the

formation of the CIA's own armed uniformed protective service. The CIA's responsibility for protection of its personnel also derives from Executive Order 12333, section 1.8(h), which provides that the CIA shall "Protect the security of its installations..., and employees by appropriate means."

In addition to the above, the Comprehensive Crime Control Act of 1984 made it a federal felony to assault, kidnap, or murder certain federal officials, along with their family members. This Act specifically mentions the Director and Deputy Director of CIA. Thus, under certain circumstances, a family member of the Director or Deputy Director may also be protected by an armed security officer.

Internal CIA Office of Security regulations implementing the authority noted above specify that:

The carrying and use of Agency firearms within the United States may be authorized only by the Director of Security in connection with the following official purposes:

- (a) Protection of classified documents and materials.
- (b) Protection of information concerning intelligence sources or methods.
- (c) Protection of the Director of Central Intelligence and the Deputy Director of Central Intelligence.
- (d) Protection of Agency facilities, property, monies, commodity assets, activities, and personnel.
- (e) Protection of defectors and foreign persons for whose safety the Agency is responsible.

Should it be necessary for Agency personnel to carry a firearm aboard a commercial aircraft, it would be in direct support of one or more of the above activities.

Authority for the issuance and control of firearms rests with the Director of Security who must ensure that each individual is competent and qualified in the use, handling, and care of firearms, and that the security factors present in each situation warrant the carrying of firearms by that individual. Agency employees possess a U.S. Government credential which bears a clear full-faced picture, the employee's signature, and the signature of the Director of Central Intelligence and of the Director of Security. Those employees carrying firearms in the performance of official business will also possess an Agency firearms credential bearing the same information. The Agency firearms credential is issued only after a firearms qualification course is successfully completed each year.

CIA Special Agents who are assigned to the full-time protection of the Director and Deputy Director have undergone extensive firearms training and requalify every three months on a variety of firearms. These Special Agents are the Agency's most likely employees to travel on commercial aircraft while carrying firearms.

The CIA and the Office of Security greatly appreciate your cooperation, and if additional information is required, please let me know.

Sincerely,

A rectangular box with a thin black border, used to redact the signature of the Director of Security.

Director of Security

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